

Owners any action it has taken or intends to take with respect to the recipient's or beneficiary's account in connection with the Federal Government's collection action against the financial institution.

(c) The financial institution is not authorized by this part to debit the account of any party or to deposit any funds from any account in a suspense account or escrow account or the equivalent. If such action is taken, it must be under authority of State law or the financial institution's contract with its depositor(s).

(d) The financial institution's liability under this part is not affected by any action taken by it to recover from any party the amount of the financial institution's liability to the Federal Government.

(e) Failure to mail the Notice to Account Owners, or failure to certify on the Notice of Reclamation that it has done so, shall result in the forfeiture by the financial institution of its ability under this part to limit its liability. See § 210.11(e).

§ 210.14 Erroneous death information.

(a) In the event that the financial institution is advised that the Federal Government's information that the recipient or beneficiary is deceased is correct, or that the date of death is incorrect, the financial institution shall certify the correct information to the Federal Government by one of the following means:

(1) Certify on the "Notice of Reclamation" that the person whose name is reflected on the notice is alive, or that the date of death is incorrect, and that the financial institution took prudent measures to assure that the person was alive or that the date of death was erroneous. Prudent measures to assure that the person was alive include, but are not limited to, the named person providing the financial institution adequate identification, or obtaining through a third person a signed, dated and notarized statement from the named person. Prudent measures to assure the correct date of death include obtaining a death certificate.

(2) If there is any question regarding the sufficiency of the evidence presented to demonstrate that the date or fact of death is incorrect, the individual presenting the evidence should be referred by the financial institution to the agency making the payment, e.g., the Social Security Administration or the Veterans Administration. The agency will certify in writing to the financial institution the corrected information. The financial

institution shall then return the agency's certification with the Notice of Reclamation.

(b) If the Federal Government's information that the recipient or beneficiary is deceased is in error, the financial institution shall be relieved of its liability, and shall no longer be subject to collection procedures under this part, if an accurate certification in accordance with paragraph (a) of this section is received by the Federal Government, on or with a properly completed Notice of Reclamation, within 60 days of the date of the original Notice of Reclamation to the financial institution.

(c) If the date of the death on the Notice of Reclamation is in error, the financial institution shall be relieved of an appropriate part of its liability if an accurate certification in accordance with paragraph (a) of this section is received by the Federal Government, on or with properly completed Notice of Reclamation, within 60 days of the date of the original Notice of Reclamation to the financial institution. In that event, the financial institution shall adjust the outstanding total on the Notice of Reclamation to exclude benefit payments made before the corrected date of death. The financial institution shall include an explanation of the adjustment with the Notice of Reclamation. If correction of an error relating to the date of death shown on the Notice of Reclamation would result in additional payments being due to the Federal Government, the financial institution shall so notify the Federal Government when it returns the Notice of Reclamation.

(d) If after the financial institution has returned to the Federal Government a completed Notice of Reclamation and had made payment of its liability, the financial institution learns that the fact of death or date of death was in error, it should bring the information to the attention of the agency which made the benefit payments, e.g., the Social Security Administration or the Railroad Retirement Board. The agency will refund to the financial institution, without interest, the appropriate amount of funds paid by the financial institution pursuant to § 210.12, including funds debited from its Federal Reserve account under § 210.12 (c) or (d).

Dated: January 16, 1987.

W.E. Douglas,

Commissioner.

[FR Doc. 87-1286 Filed 1-21-87; 8:45 am]

BILLING CODE 4810-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 83-1145, Phases I and II, Part 1]

Investigation of Access and Divestiture Related Tariffs; Unbundling of Special Access Inside Wiring Rates

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order granting petition to vacate; Waiver of rules.

SUMMARY: The Commission gives notice that it has granted a petition to vacate certain portions of its Order in Investigation of Access and Divestiture Related Tariffs, CC Docket No. 83-1145, Phases I and II, Part 1, released March 8, 1985 (50 FR 11440 (March 21, 1985)) because the cost recovery mechanism established by that Order is unduly difficult to implement and perhaps unnecessary as a result of the deregulation of inside wiring. The order grants partial waivers from certain rules concerning tariff filings.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kurt DeSoto, Tariff Division, Common Carrier Bureau, (202) 632-6917.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, CC Docket No. 83-1145, Phases I and II, Part 1, FCC 86-578, adopted December 24, 1986, and released December 31, 1986.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington DC 20037.

Summary of Memorandum Opinion and Order

The Commission granted a petition to vacate certain portions of its Order in Investigation of Access and Divestiture Related Tariffs, CC Docket No. 83-1145, Phases I and II, Part 1, released Mar. 8, 1985 (50 FR 11440 (1985)) In that Order, the Commission directed local exchange carriers (LECs) to establish a separate rate element to recover special access inside wiring investment. The Commission decided that modification

of its Order is necessary because neither the LECs nor their customers have been able to identify adequately telephone company-provided inside wiring users and because the need to unbundle rates has been mitigated in light of the deregulation of inside wiring. The Commission stated that, under these circumstances, it does not appear that a feasible method to charge only cost-causers is available. The Commission is, therefore, allowing the LECs to recover the costs of inside wiring from the base of special access ratepayers generally. Carriers are directed to file tariff revisions conforming with this Order no later than January 12, 1987.

Ordering Clauses

Accordingly, It Is Ordered that the petition filed on October 21, 1986, by Pacific Bell and Nevada Bell, requesting this Commission to vacate certain portions of our Order in Investigation of Access and Divestiture Related Tariffs, CC Docket No. 83-1145, Phases I and II, Part 1, FCC 85-100, released Mar. 8, 1985, Is Granted.

It Is Further Ordered that the local exchange carriers subject to this Order and the Commission's *March 8 Order* shall modify their tariffs to implement wiring rate elements as described in paragraphs 27-29, *supra*. These revisions must be filed no later than January 12, 1987, to become effective January 17, 1987.

§§ 61.58, 61.59, and 61.74 [Waived]

It Is Further Ordered that §§ 61.58, 61.59, and 61.74 of the Commission's Rules, 47 CFR 61.58, 61.59 and 61.74, are waived to the extent required to file tariff revisions implementing this Order. We assign Special Permission No. 86-957 for this purpose.

William J. Tricarico,
Secretary, Federal Communications
Commission.

[FR Doc. 87-630 Filed 1-27-87; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte No. MC-43 (Sub-No. 19)]

Lease and Interchange of Vehicles (Documents in Lieu of Rated Freight Bills)

AGENCY: Interstate Commerce
Commission.

ACTION: Final rule.

SUMMARY: In response to a petition, the Commission is modifying its rule at 49 CFR 1057.12(g) to allow carriers the option, at settlement, of providing those owner-operators whose revenue is based on a percentage of the gross revenue for a shipment either: (1) A copy of the rated freight bill (or, in the case of contract carriers, another form of documentation that contains the same information as a rated freight bill); or (2) an alternative, computer-generated document that contains that same information. The rule would allow carriers with computerized recordkeeping systems to give owner-operators a computer-generated document in lieu of the rated freight bill that the current rule requires and eliminate the need to create additional documents to accommodate the existing rule.

EFFECTIVE DATE: February 23, 1987.

FOR FURTHER INFORMATION CONTACT: Mark Shaffer, (202) 275-7805.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll-free (800) 424-5403.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

We reaffirm our prior certification. The rule we are adopting will not have a significant economic impact on a substantial number of small entities because it should reduce, albeit minimally, administrative costs for many carriers. In addition, it should not significantly affect owner-operators.

List of Subjects in 49 CFR Part 1057

Motor carriers.

Decided: January 13, 1987.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Andre concurred with a separate expression.

Noreta R. McGee,

Secretary.

Appendix—Final Rule

Part 1057 of the Code of Federal Regulations, Title 49, is amended as follows:

PART 1057—LEASE AND INTERCHANGE OF VEHICLES

1. The authority citation for Part 1057 continues to read as follows:

Authority: 49 U.S.C. 11107 and 10321, 5 U.S.C. 553.

2. Paragraph (g) of § 1057.12 is revised to read as follows:

§ 1057.12 Written lease agreements.

(g) *Copies of freight bill or other form of freight documentation.* When a lessor's revenue is based on a percentage of the gross revenue for a shipment, the lease must specify that the authorized carrier will give the lessor, before or at the time of settlement, a copy of the rated freight bill or a computer-generated document containing the same information, or, in the case of contract carriers, any other form of documentation actually used for a shipment containing the same information that would appear on a rated freight bill. When a computer-generated document is provided, the lease will permit lessor to view, during normal business hours, a copy of any actual document underlying the computer-generated document. Regardless of the method of compensation, the lease must permit lessor to examine copies of the carrier's tariff or, in the case of contract carriers, other documents from which rates and charges are computed, provided that where rates and charges are computed from a contract of a contract carrier, only those portions of the contract containing the same information that would appear on a rated freight bill need be disclosed. The authorized carrier may delete the names of shippers and consignees shown on the freight bill or other form of documentation.

[FR Doc. 87-1339 Filed 1-21-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 61234-6234]

Groundfish of the Gulf of Alaska

AGENCY: National Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule implementing management measures to (1) allow continued fishing for other groundfish species in a regulatory area or district when the Director, Alaska Region, NMFS (Regional Director), determines that the optimum yield (OY)

for a groundfish species has been reached, and (2) close a regulatory area or district of the Gulf of Alaska to direct fishing for sablefish by any specific gear type prior to achievement of the share of the sablefish OY that has been allocated to that gear type, thereby providing some sablefish for bycatch in other fisheries using that gear type. This action is necessary to promote full utilization of all groundfish species without biological harm to any one species and without inhibiting the development of fisheries that are dependent on sablefish and other groundfish species. It is intended as a conservation and management measure to optimize groundfish yields from the fishery.

EFFECTIVE DATE: January 16, 1987.

ADDRESS: Copies of documents supporting this rule may be obtained from Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fishery in the exclusive economic zone (3-200 miles offshore) of the Gulf of Alaska is managed under the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations at 50 CFR Part 611, with respect to the foreign fishery, and at 50 CFR Part 672, with respect to the domestic fishery. Both the foreign and domestic implementing regulations at §§ 611.92(c)(2)(ii) and 672.20(b)(1) contain measures that require closure of entire regulatory areas or districts to all fishing whenever an OY for any species is reached, except for the foreign hook-and-line fisheries for Pacific cod and sablefish which under § 611.92(c)(2)(D) may continue until the OY for each of these species is achieved. The domestic regulation at § 762.24(b) requires closure of (1) the Eastern Regulatory Area to all trawl gear when vessels using trawl gear have harvested 5 percent of the sablefish OY as bycatch, and (2) the Central and Western Regulatory Areas to all hook-and-line, trawl, and pot gear when each respective share of the sablefish OYs has been taken.

At its January 15-17, 1986, meeting, the Council reviewed §§ 672.20(b) and

672.24(b) and recommended that the Secretary amend § 672.20(b) to allow fishing for other species to continue when the OY for a single species in a regulatory area or district is reached, on the condition that such fishing will not result in overfishing of that species. Overfishing is considered to be the level of fishing mortality that jeopardizes the capacity of a stock to produce maximum biological or economic value on a long-term basis under prevailing biological and environmental conditions. The Council did not recommend that the Secretary amend the foreign fishing regulations. Most of the groundfish resources in the Gulf of Alaska are fully utilized, or will be fully utilized, by U.S. fishermen in domestic annual processing (DAP) or joint venture processing (JVP) operations. As a result, directed foreign trawling in the Gulf of Alaska has greatly diminished since 1978. No foreign trawling occurred in 1986. Foreign hook-and-line fishing for Pacific cod could be eliminated in future years.

With respect to § 672.24(b), the Council recommended that the Secretary amend the regulation to allow closure of directed fishing for sablefish by any gear type prior to full attainment of the portion of the OY allocated to that gear type, to assure that a portion of the sablefish OY would remain to provide an adequate bycatch in fisheries for other groundfish species. Such a closure would reduce the potential for exceeding the sablefish OY by closing directed fishing for sablefish by pot, hook-and-line, or trawl vessels prior to their taking the share of the OY assigned to that gear type in any area or district, leaving an amount of sablefish available for bycatch in fishing other species. "Directed fishing" for any species is defined at § 672.2 to mean fishing that is intended or can reasonably be expected to result in the catching, taking, or harvesting of quantities of such fish that amount to 20 percent or more of the catch, take, or harvest, or to 20 percent or more of the total amount of fish or fish products on board at any time. Upon such closure, sablefish could continue to be landed by that gear type only as an incidental catch until that portion of the OY allocated to it had been achieved, after which sablefish would be treated as a prohibited species.

Upon receipt of the Council's recommendations, the Secretary commenced a review of the problems the recommendations were designed to cure. During that review, the Secretary determined that an emergency existed in the domestic fishery as a result of the existing regulations and issued an emergency interim rule to allow

continued fishing for other groundfish species after the OY for a single groundfish species has been reached and to close a regulatory area or district in the Gulf of Alaska to directed fishing for sablefish by any specific gear type prior to achievement of the sablefish OY allocated to that gear type, thereby providing sablefish for bycatch (51 FR 20659, June 6, 1986) to permit fishing activity for other groundfish by that gear type.

The preamble to the emergency rule described and presented the reasons for each of the changes. Because the Secretary anticipated that these rule changes would need to be implemented for a longer duration than an emergency rule would allow, he invited public comments to be considered in promulgation of a final rule permanently implementing the changes. The comment period ended on July 3, 1986. No comments from the public were received.

The emergency rule was extended (51 FR 30663, August 28, 1986) for a second 90-day period effective September 2, 1986, through November 30, 1986.

The Secretary has concluded his review of the problems the Council's recommendations were designed to cure.

With respect to § 672.20(b), after reviewing the bycatch rates of all groundfish species in the various fisheries, the Secretary determined that certain groundfish fisheries take small to insignificant amounts of other groundfish species as bycatch. He also determined that further bycatches of such species for which the OY had already been attained, in most cases, would not necessarily constitute overfishing under the Magnuson Act. He concluded, therefore, that prohibiting all fishing in a regulatory area or district, or part thereof, when the OY for a single species is reached is not justified in all cases, and that such unqualified closures could impose unacceptable, negative economic effects on the fishing industry. Accordingly, he has determined that § 672.20(b) should be permanently implemented.

With respect to § 672.24(b), after reviewing the potential effects of this measure on other segments of the groundfish industry, the Secretary determined that the potential negative economic effects on the industry were similar to those discussed above for § 672.20(b). Accordingly, he has determined that § 672.24(b) should be permanently amended to authorize closure of the directed fishery for sablefish by any legal gear type prior to reaching its share of the OY to retain a

portion of the sablefish OY for bycatch to support groundfish fishing for other species with that gear type. Thus, the Secretary may close directed fishing for sablefish by any gear type in a regulatory area or district if the Regional Director determines that the share of sablefish OY assigned to that gear type in that regulatory area or district may be taken before the end of the year. Sablefish could continue to be landed only as incidental catch until the portion of the OY allocated to that gear type is achieved. At that time, further sablefish catches by that gear type would be treated as a prohibited species under this section unless closure of all fisheries were necessary to prevent overfishing of sablefish.

A summary of the environmental assessment, regulatory impact review, and initial regulatory flexibility analysis (EA/RIR/IRFA) appeared in the preamble to the proposed rule and is not repeated here.

Public Comments

No public comments were received.

Secretarial Action

The Secretary issues this final rule to amend the current rules at

- (a) § 672.20(b), to authorize species-specific fishery closures; and
- (b) § 672.24, to authorize closure of the directed fishery for sablefish by any legal gear type prior to reaching its share of the OY and retaining a portion of the sablefish OY for bycatch to support groundfish fishing for other species with that gear type.

Classification

The Assistant Administrator determined that this regulatory amendment is necessary for the conservation and management of the groundfish fishery and that it is consistent with the Magnuson Act and other applicable law. An environmental assessment was prepared for this regulatory amendment as part of the EA/RIR/IRFA. The Assistant Administrator concluded that no significant impact on the human environment will occur as a result of this rule. A copy of the EA/RIR/IRFA may be obtained from the Regional Director at the address above.

The Administrator of NOAA determined that this rule is not a major rule requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the EA/RIR/IRFA prepared by the Regional Director.

The Regional Director prepared a final regulatory flexibility analysis (FRFA), which describes the effects this rule will

have on small entities. The analysis contained in the FRFA is the largely the same as that contained in the EA/RIR/IRFA, which was summarized in the preamble to the emergency interim rule (51 FR 20659, June 6, 1986; corrected at 51 FR 22287, June 18, 1986). A copy of the FRFA may be obtained from the Regional Director at the address above.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

Since this final rule allows the continued harvest of groundfish species even after the OYs for other species have been reached, thereby avoiding premature area closures, it relieves a restriction. Accordingly, it is being made effective immediately under section 553(d)(1) of the Administrative Procedure Act.

List of Subjects in 50 CFR Part 672

Fisheries.

Dated: January 16, 1987.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 672 is amended as follows:

PART 672—[AMENDED]

1. The authority citation for 50 CFR Part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 672.20, paragraph (b) is revised, to read as follows:

§ 672.20 Optimum yield.

* * * * *

(b) Notices.

(1) If the Regional Director determines that the OY for any species in any regulatory area or district in Table 1 of paragraph (a) of this section has been or will be reached, the Secretary will issue a notice of closure under § 672.22(a) closing fishing for that species in that area or district, or part thereof, declaring that species in that area or district to be a prohibited species for purposes of paragraph (d) of this section. During the time that such a notice is in effect, the operator of every vessel regulated by this part must minimize its catch of that

species in the area or district, or part thereof, to which the notice applies.

(2) If the Regional Director determines that continued fishing for other groundfish species in an area or district, or part thereof, may lead to overfishing of a species for which an OY has been or will be reached, the Secretary will, by notice in the *Federal Register*, close or limit such fishing for other groundfish species by methods, including time, area, or gear adjustments, that will prevent overfishing of the species for which the OY is taken.

(3) When making closures or imposing limitations under paragraphs (b) (1) and (2) of this section, the Regional Director will take into account the following considerations and may allow continued fishing with certain gear types, issuing findings relevant to these considerations:

(i) The risk of biological harm to a groundfish species for which the OY has been reached;

(ii) The risk of socioeconomic harm to authorized users of the groundfish for which the OY has been reached; and

(iii) The impact that a continued closure might have on the socioeconomic wellbeing of other domestic fisheries.

* * * * *

3. In § 672.24, paragraphs (b)(1) and (b)(2) are revised and a new paragraph (b)(3) is added, to read as follows:

§ 672.24 Gear limitations.

* * * * *

(b) *Sablefish gear restrictions and allocations*—(1) *Eastern Area*. No person may use any gear other than hook-and-line and trawl gear when fishing for groundfish in the Eastern Area. No person may use any gear other than hook-and-line gear to engage in directed fishing for sablefish. When vessels using trawl gear have harvested 5 percent of the OY for sablefish during any year, further trawl catches of sablefish must be treated as a prohibited species as provided by paragraph (b)(3)(ii) of this section.

(2) *Central and Western Areas*. During 1987 and 1988 in the Western Area, hook-and-line gear may be used to take up to 55 percent of the OY for sablefish; pot gear may be used to take up to 25 percent of that OY; and trawl gear may be used to take up to 20 percent of that OY. Beginning with 1987 in the Central Area and 1989 in the Western Area, hook-and-line gear may be used to take up to 80 percent of the sablefish OY in each area and trawl gear may be used to take up to 20 percent of that OY. No person may use any gear other than hook-and-line, pot,

or trawl gear in fishing for groundfish during 1987 and 1988 in the Western Area. Except in the Western Area during 1987 and 1988, no person may use any gear other than hook-and-line or trawl gear in fishing for groundfish in the Gulf of Alaska.

(3) *Sablefish bycatch amounts.* (i) When the Regional Director determines that the share of the sablefish OY assigned to any type of gear for any year

and any area or district under this paragraph may be taken before the end of that year, the Secretary, in order to provide adequate bycatch amounts to ensure continued groundfish fishing activity by that gear group, will, by notice in the **Federal Register**, prohibit directed fishing for sablefish by persons using that type of gear for the remainder of that year.

(ii) If the share of the sablefish OY assigned to any type of gear for any year and any area or district under this paragraph is reached, further catches of sablefish must be treated as a prohibited species by persons using that type of gear for the remainder of that year.

[FR Doc. 87-1381 Filed 1-16-87; 4:45 pm]

BILLING CODE 3510-22-M